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January 11, 2017

BY ELECTRONIC MAIL

Federal Election Commission
Office of Complaints Examination and
Legal Administration
Attn: Kathryn Ross
999 E. Street, NW
Washington, D.C. 20436

Re: MUR 7167

Dear Ms. Ross:

On behalf of Susan B. Anthony List, Inc. ("SBA") and Women Speak Out PAC and its Treasurer, Emily Buchanan, in her official capacity (collectively, "WSO"), this letter responds to the complaint filed by Linda Lou Brown on October 31, 2016. For the following reasons, the Commission should dismiss the complaint.

The complaint alleges that Senator Roy Blunt engaged in illegal coordination with SBA and WSO and therefore Sen. Blunt received, and SBA and WSO made, illegal contributions to Sen. Blunt's campaign, in violation of 52 U.S.C. §§ 30116(a) and 30118. The sole "evidence" offered by the Complainant in support of her accusation that the Respondents engaged in illegal coordination is (i) an online media report stating, without attribution, that "Blunt called Susan B. Anthony List President Marjorie Dannenfelser last week to raise more money," and (ii) WSO made independent expenditures opposing Sen. Blunt's opponent. The Complaint offers nothing else, beyond pure speculation that there were additional "backchannel communications" between Sen. Blunt and WSO.

The Commission should not expend resources investigating a complaint alleging a violation of federal campaign finance law based solely on an unsubstantiated and unattributed assertion in a media report. Further, even assuming the media report is true—that Sen. Blunt called Mrs. Dannenfelser "to raise money"—this does not constitute illegal coordination.

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To be sure, the coordination regulations are very specific about the conduct that is required for a violation, and the allegations in the Complaint do not support or even suggest that such conduct occurred. Asking for campaign contributions (or assistance raising campaign contributions) is not prohibited under the conduct prong of 11 CFR §109.21. There is no allegation that the public communications at issue were made by WSO at the request or suggestion of the Blunt campaign, or after substantial discussions between the Blunt campaign and WSO, or with the material involvement of the Blunt campaign. Instead, the complaint audaciously asks the Commission to illogically conclude that, because Sen. Blunt (allegedly) called Mrs. Dannenfelser "to raise money," and because WSO made independent expenditures, Sen. Blunt and WSO should be investigated to determine if they engaged in illegal coordination.

Candidates and their campaigns ask for money (and for help raising money) all the time. It is what they do. If the Commission were to investigate this Complaint, the precedent it would establish would be extraordinary, and would not be in keeping with the Commission's proper function of investigating and adjudicating legitimate complaints. First, it would mean that an unattributed statement in a media report is sufficient evidence to warrant a campaign finance investigation. Second, it would mean that any time a candidate asks for money—whether in a letter, at an event, or on a phone call (such as here)—from the leader of a political organization that eventually makes independent expenditures in support of that candidate (or in opposition to the candidate's opponent), there would be a presumption that illegal coordination took place or, at the very least, that there were other "backchannel communications" that the Commission should investigate. In short, it would establish precedent that no evidence of wrongdoing is needed, and would encourage the filing of frivolous, politically-motivated complaints like this one.

Based on the foregoing, SBA and WSO respectfully submit that the Commission should dismiss the complaint.

Sincerely,

LANGDON LAW LLC

David R. Langdon

Counsel for Susan B. Anthony List, Women Speak Out PAC, and Emily Buchanan, in her official capacity as Treasurer of Women Speak Out PAC